

[No Minutes Were Generated on Friday, November 21, 1997.]

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**SUPREME COURT MINUTES
MONDAY, NOVEMBER 24, 1997
SAN FRANCISCO, CALIFORNIA**

S057369 Wilkie Cheong, Plaintiff and Appellant
 v.
 Drew R. Antablin, Defendant and Respondent
 The judgment of the Court of Appeal is affirmed.

Chin, J.

We Concur:

George, C.J.

Baxter, J.

Werdegar, J.

Brown, J.

Concurring Opinion by Mosk, J.

Concurring Opinion by Kennard, J.

Concurring Opinion by Werdegar, J.

I Concur:

George, C.J.

Concurring Opinion by Chin, J.

We Concur:

Baxter, J.

Brown, J.

- S065696 In re Robert Lee Johnson
 on
 Habeas Corpus
 Application for stay and petition for review DENIED.
- 2nd Dist. In re Robert Lee Johnson on Habeas Corpus
B095785 -----
Div. 3 People, Respondent
S65597 v.
 Robert Lee Johnson, Appellant
 Application for stay and petition for review DENIED.
- S054159 Horwath Associates, Appellant
1st Dist. v.
A067695 City of East Palo Alto et al., Respondents
Div. 5 Review was granted in this matter on July 17, 1996, and briefing
S054159 ordered deferred pending disposition of the appeal in *Kavanau v.*
 Santa Monica Rent Control Board, which was filed on August 26,
 1997, and became final on September 26, 1997. (16 Cal.4th 761.)
 The court has now determined that briefing and further action in
 the above-entitled case shall be deferred pending disposition of the
 appeal in *Landgate, Inc. v. California Coastal Commission*
 (S059847).
- S057155 Richard J. Manning, Respondent
4th Dist. v.
G016679 Department of Motor Vehicles, Appellant
Div. 3 The citation referenced in the order filed on November 19, 1997,
 is hereby corrected to read: "16 Cal.4th 448."
- S057157 Sandra Kathleen Grainger, Respondent
4th Dist. v.
G016074 Frank Zolin, Appellant
Div. 3 The citation referenced in the order filed on November 19, 1997,
 is hereby corrected to read: "16 Cal.4th 448."

S057158 Stephen Troy Roghair, Respondent
4th Dist. v.
G016217 Department of Motor Vehicles
Div. 3 The citation referenced in the order filed on November 19, 1997,
is hereby corrected to read: "16 Cal.4th 448."

1st Dist. Citizens for Responsible Government, Appellant
A073708 v.
Div. 1 City of Albany, Respondent
S064254 Ladbroke Racing California, Inc., Real Parties in Interest
The order filed on November 12, 1997, is hereby amended to
read, in its entirety: "Petition for review of respondent and real
parties in interest DENIED."

Orders were filed in the following matters extending the time within
which to grant or deny a petition for review to and including the date indicated, or
until review is either granted or denied:

A072395/S064726 People v. Johnny Lee Barnes - December 29, 1997.
A072845/S064742 People v. Kevin Maurice Claiborne - December 30, 1997.
A074370/S065073 Roman Catholic Archbishop of San Francisco v. City of San
Mateo - January 8, 1998.
A074727/S064682 People v. Darin Merrell Sherman - December 29, 1997.
A075434/S064717 People v. Michael J. Pruett - December 29, 1997.
A077117/S064673 People v. Peter Howard John - December 26, 1997.
A079514/S064893 In re Giles Albert Nadey, Jr. on Habeas Corpus - January 5,
1998.
A079782/S064982 Douglas William Hysell v. Marin County Superior Court;
People, RPI - January 7, 1998.
B085845/S065021 Jabes Salgado et al. v. County of Los Angeles et al. -
January 8, 1998.

- B097193/S064894 People v. Javier Alaniz-Alaniz - January 5, 1998.
- B099028/S064749 People v. Vartan Stephen - December 30, 1997.
- B099922/S064658 People v. Elfronte Howard - December 26, 1997.
- B100013/S064824 People v. Danny Eugene Winn - December 31, 1997.
- B100089/S064724 People v. Christopher Garrett - December 29, 1997.
- B100464/S065012 People v. Jeffrey William Spradley - January 8, 1998.
- B100774/S064698 People v. Juan R. Sanchez - January 2, 1998.
- B101131/S064833 People v. Leroy Duplessis - January 2, 1998.
- B101149/S064916 People v. Manuel Rodriguez - January 7, 1998.
- B102765/S064678 People v. Henry Poe - December 26, 1997.
- B103022/S064930 Estate of Ferdinand Edralin Marcos, Deceased; Celsa Hilao et al. v. Irene Silverman - January 5, 1998.
- B103805/S064755 People v. Curtis Eugene Daniels - December 30, 1997.
- B105371/S064797 Sully-Miller Contracting Company v. C.L. Peck/Jones Brothers Construction Corporation et al. - December 31, 1997.
- B105518/S064896 People v. Danny Zizumbo - January 5, 1998.
- B106043/S064876 People v. Tony Lee Puckett - January 2, 1998.
- B106687/S064688 People v. Rodney Bruce Swanson - January 5, 1998.
- B108794/S064707 Ralph Calvin Booth v. Los Angeles County Superior Court; People, RPI - December 26, 1997.
- B108909/S065004 In re Danny Zizumbo on Habeas Corpus - January 5, 1998.

B113914/S064889 In re Steven Najera on Habeas Corpus - January 2, 1998.

C022618/S064802 People v. Vernon Samuel Adams et al. - January 5, 1998.

C023003/S064882 People v. Hector Sanchez Leyva - January 5, 1998.

C024879/S064962 Richard B. Herman v. County of Lassen et al. - January 6, 1998.

C027492/S064744 David Clinton Hatton v. Placer County Municipal Court; People, RPI - December 29, 1997.

D022897/S064693 Joan Eigner et al. v. Gloria Worthington; State Farm Fire and Casualty Company - December 26, 1997.

D024695/S064747 People v. Vernell Gillard - December 26, 1997.

D025332/S064706 People v. Miguel Mario Haynes - December 29, 1997.

D026189/S064812 People v. Louis Gutierrez Borquez - December 31, 1997.

D026773/S060867 People v. James Ray Roberts; In re James Ray Robert on Habeas Corpus - January 5, 1998.

E017926/S064811 People v. Eugene Carter Horejs - December 31, 1997.

E017959/S064793 People v. Henry Jiminez Lepe - December 31, 1997.

E018309/S064973 People v. Randall Byron Kerans - January 7, 1998.

E018727/S065018 People v. Omar Calderin - January 8, 1998.

E019242/S064712 People v. Gary Wayne Davis - December 29, 1997.

G013299/S064837 Niles F. Guichet v. Denar Corporation et al.; And Companion Case - January 2, 1998.

G018969/S06721 People v. Joel Madrigal - December 29, 1997.

G019509/S064857 People v. Albert Mousa Mousa; In re Albert Mousa Mousa on Habeas Corpus; And Companion Case - January 2, 1998.

H012238/S064950 People v. Dorothea Montalvo Puente; In re Dorothea Montalvo Puente on Habeas Corpus - January 5, 1998.

H014466/S064795 In re Ernest Brown on Habeas Corpus; People v. Ernest Douglas Brown - December 31, 1997.

S012852 People, Respondent

v.

Robert Edward Maury, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including December 22, 1997.

No further extensions of time are contemplated.

S019786 People, Respondent

v.

Paul Clarence Bolin, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including December 22, 1997.

No further extensions of time are contemplated.

S023628 People, Respondent

v.

John Sapp, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including January 23, 1998.

S029011 People, Respondent

v.

Morris Solomon, Jr., Appellant

On appellant's application and good cause appearing, appellant is granted to and including January 26, 1998, to request correction of the record on appeal in the superior court. Counsel shall notify the Supreme Court clerk in writing when the request has been made.

S059739 In re James Robert Scott
 on
 Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including February 2, 1998.

S061489 In re Barry S. Jameson
 on
 Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including December 19, 1997.

S061945 Louis E. Potvin, M.D., Appellant
 v.

Metropolitan Life Insurance Company, Respondent

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's answer brief on the merits is extended to and including January 24, 1998.

S062100 In re Brad Winkler
 on
 Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including December 19, 1997.

S062201 John Guz, Appellant
 v.

Bechtel National, Incorporated et al., Respondents

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's answer brief on the merits is extended to and including January 27, 1998.

S062627 Eduardo Calatayud III et al., Respondents

v.

State of California et al., Appellants

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to and including December 12, 1997.

No further extensions of time are contemplated.

S063464 In re Antony Gaston

on

Habeas Corpus

On application of Attorney General and good cause appearing, it is ordered that the time to serve and file informal response to the petition for writ of habeas corpus is extended to and including December 26, 1997.

S063612 Sharon P., Appellant

v.

Arman, Limited et al., Respondents

On application of respondent Apcoa Inc., it is ordered that the time to serve and file respondent Apcoa's brief on the merits is extended to and including December 22, 1997.

S062850 In re the Marriage of Lehman

Marietta Lehman, Respondent

v.

Jack R. Lehman, Appellant

The application of Barbara DiFranza for permission to file an amicus curiae brief in support of respondent is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S007210 People, Respondent

v.

William Michael Dennis, Appellant

The requests of counsel to allocate 45 minutes per side for the argument in the above-referenced automatic appeal are hereby granted. It is further ordered that two counsel may argued on behalf of appellant at oral argument.

S057813 Steve Davis, Appellant

v.

KGO-T.V., Inc., Appellant

The request of appellant Davis to allocate to amicus curiae Disability Rights Fund 20 minutes of appellant's 30-minute allotted time for oral argument is granted.

S057813 Steve Davis, Appellant

v.

KGO-T.V., Inc., Appellant

The request of appellant KGO-T.V. to allocate to amicus curiae The Employers Group 10 minutes of appellant's 30-minute allotted time for oral argument is granted.

S006640 People, Respondent

v.

Gary Dale Hines, Appellant

In the above-entitled matter the court filed its decision on June 26, 1997, because of the following extraordinary and compelling circumstances:

1. The size of the record (the clerk's and reporter' transcripts totaling approximately 7,700 pages).
2. The necessity to grant appellant, for good cause, 7 extensions of time within which to file the appellant's opening brief.
3. The necessity to grant, for good cause, appellant's motion for relief from default following a late filing of the appellant's opening brief.
4. The necessity to grant respondent, for good cause, 7 extensions of time within which to file the respondent's brief.
5. The necessity to grant appellant, for good cause, 3 extensions of time within which to file the appellant's reply brief.
6. The necessity to consider 2 supplemental briefs and 1 letter brief submitted by the parties.
7. The number and complexity of the issues presented.

S065589 Ruth Scherfenberg, Petitioner

v.

Tony Lopes et al., Respondents

The above entitled matter is transferred to the Court of Appeal, Third Appellate District.

S065922 David Matthew Kenny, Petitioner

v.

Santa Clara County Superior Court, Respondent

Santa Clara County Department of Correction, Real Party in Interest

The above-entitled matter is transferred to the Court of Appeal, Sixth Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

S058838 Rules of Professional Conduct
of the State Bar of California

Upon the recommendation of the State Bar of California the Supreme Court hereby approves the adoption of Rule 1-700 to the Rule of Professional Conduct. The rule, as approved, is attached hereto, and is effective immediately.

(Rule Attached to the Original Order.)

S065940 In the Matter of the Application of the Committee of Bar Examiners
of the State of California for Admission of Attorneys

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted as attorneys at law in all courts of the State of California upon their taking the prescribed oath before a competent on or before November 21, 1997, and within the time limits specified in Rule IX of the Rules Regulating Admission to Practice Law in California, is hereby granted:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S064331 In re **Michael R. Avery** on Discipline

It is ordered that **Michael R. Avery** be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of said suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including actual suspension for two years and until he

demonstrates to the State Bar Court his rehabilitation, fitness to resume the practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), recommended by the Hearing Department of the State Bar Court in its Further Order Regarding Stipulation filed July 25, 1997. Credit toward the period of actual suspension shall be given for the period of interim suspension which commenced on August 16, 1995 (*In re Young* (1989) 49 Cal.3d 257, 270). It is also ordered that he take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners and provide the State Bar Probation Unit with satisfactory proof of his passage of said examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs payable in accordance with Business and Professions Code section 6140.7, as amended effective January 1, 1997, are awarded to the State Bar pursuant to Business and Professions Code section 6086.10.

S064332 In re **Paul John Blake** on Discipline

It is ordered that **Paul John Blake** be suspended from the practice of law for five years, that execution of suspension be stayed, and that he be placed on probation for five years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed June 30, 1997, including actual suspension for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners, and provide the State Bar Probation Unit with satisfactory proof of his passage of that examination, within the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is

effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S064333 In re **Stuart Reid Crymes** on Discipline

It is ordered that **Stuart Reid Crymes** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 60 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed July 30, 1997. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

S065790 In the Matter of the Resignation of **Jarold Arnold Evans**
A Member of the State Bar of California

The voluntary resignation of **Jarold Arnold Evans** as a member of the State Bar of California is accepted.

